

REMARKS/ARGUMENTS

Applicants have received the Final Office Action dated August 1, 2006, in which the Examiner: 1) rejected claims 1-4, 6-8, 13-15, 17, 21, 23, 25 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,958,692 ("Ratschunas"); 2) rejected claims 9-11, 18, 19 and 22 under 35 U.S.C. § 103(a) as being obvious over Ratschunas in view of U.S. Pat. No. 6, 484,033 ("Murray"); 3) rejected claims 5 and 16 under 35 U.S.C. § 103(a) as being obvious over Ratschunas in view of U.S. Patent No. 6,459,913 ("Cloutier"); 4) rejected claims 12, 20 and 28 under 35 U.S.C. § 103(a) as obvious over Ratschunas in view of U.S. Patent Application Pub. No. 2004/0203597 ("Pitt"); and 5) rejected claim 26 under 35 U.S.C. § 103(a) as obvious under Ratschunas in view of U.S. Patent Application Pub. No. 2001/0029425 ("Myr"). With this Response, Applicants amend claims 1, 3, 5, 8, 13, 16, 17, 20 and 23 and cancel claims 4 and 14. Based on the amendments and arguments contained herein, Applicants believe this case to be in condition for allowance.

I. BRIEF SUMMARY OF RATSCHUNAS

Ratschunas is directed to a location-dependent personal organizer which contains various appointments which the user of the organizer is scheduled to attend. The organizer is able to alert the user of an impending appointment at a time that is based on 1) the distance between the organizer and the location of the appointment and 2) a predicted speed at which the organizer may travel from its current location to the location of the appointment. Abstract.

II. CLAIMS 1-3, 5-13 AND 15-22

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by Ratschunas. Ratschunas teaches calculating a journey time from a current location of the personal organizer to a destination location "by determining the distance between the start and end places of the journey and dividing that by a speed, which could be fixed or variable depending on the distance." In other words, Ratschunas teaches determining the journey time based solely on the distance between the start and end points of the journey and on a speed at which the personal organizer may travel. Col. 5, l. 50 – col. 6, l. 5.

The requirements of claim 1 are contrary to the teachings of Ratschunas. Specifically, as amended, claim 1 requires:

- determining an intermediate amount of travel time using a distance between said location of the upcoming event and a current location of the handheld device;
- determining factors which affect travel time to said event other than said distance and a speed of the handheld device;
- using said factors to modify the intermediate amount of travel time, thereby producing a final amount of travel time for a user to timely arrive at the upcoming event;

In other words, claim 1 requires that the distance between a current location of the handheld device and a location of an upcoming event is used to determine an "intermediate amount of travel time." Claim 1 further requires determining factors which affect travel time to the event "***other than said distance and a speed of the handheld device.***" Finally, claim 1 requires that these factors (which do not include "said distance and a speed of the handheld device") be used to modify the intermediate amount of travel time to produce a "final amount of travel time" which a user would need to timely arrive at the upcoming event.

Although Ratschunas does teach calculating a journey time based on distance and speed, Ratschunas fails to teach or even suggest determining additional factors ***besides*** distance and speed which may affect journey time, and so Ratschunas certainly fails to teach or suggest modifying the calculated journey time with additional factors besides distance and speed. In col. 5, ll. 42-45, Ratschunas teaches modifying journey time "after subsequent journeys between the same places, for instance to store the mean or maximum journey time for the route." However, this technique updates the journey time solely based on repeated observations of how long it takes to complete the journey. Actual ***factors*** that ***affect*** the journey time for an upcoming event are neither determined nor used to modify the journey time.

Applicants are concerned that the Examiner may erroneously reject claims 1 and/or 13 in a future Office Action because Cloutier teaches generating an alert signal

when an airline has deviated from a predetermined flight schedule. Specifically, Applicants are concerned that the Examiner may interpret such alerts as being analogous to "factors that affect travel time" besides distance and speed. Accordingly, Applicants respectfully offer the Examiner reasons why such a rejection would be improper. Applicants first point out to the Examiner that such deviations in flight time do not affect the actual amount of time necessary to travel to a destination. For example, a flight originally scheduled at 3:00 PM may be rescheduled for 2:30 PM. While it may be necessary to depart for the airport at an earlier time, the actual **amount** of time needed to travel to the airport is not affected. Applicants also point out to the Examiner that, for the sake of argument, even if deviations in airline flight times did affect travel time (which they do not), there is no motivation to combine Ratschunas with Cloutier. This is because Ratschunas teaches determining journey time based solely on distance and speed and no other factors. Because the possibility of using other factors is not explicitly or implicitly mentioned, there is no reason for Ratschunas to incorporate any teachings of Cloutier.

At least for these reasons, and further because none of the art of record satisfies the deficiencies of Ratschunas, claim 1 is allowable over all combinations of the art of record. Independent claim 13 comprises limitations similar to those of claim 1 and thus is also allowable over all combinations of the art of record at least for the same reasons as is claim 1.

As mentioned above, dependent claims 9-11, 18, 19 and 22 stand rejected under 35 U.S.C § 103(a) as obvious under Ratschunas in view of Murray, dependent claims 12 and 20 stand rejected under 35 U.S.C. § 103(a) as obvious under Ratschunas in view of Pitt, and dependent claim 16 stands rejected under 35 U.S.C. § 103(a) as obvious under Ratschunas in view of Cloutier. However, each of these dependent claims depends either on independent claim 1 or independent claim 13, and as established above, both claims 1 and 13 are patentable over all combinations of the art of record. Thus, dependent claims 2-3, 5-12 and 15-22 also are allowable over all combinations of the art of record.

III. CLAIMS 23 AND 25-28

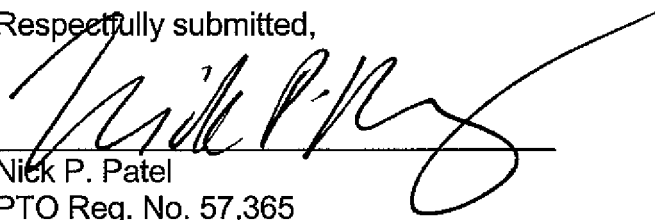
Claim 23 stands rejected under 35 U.S.C. § 102(e) as anticipated by Ratschunas. As amended, claim 23 requires means for "adjusting said travel time based on travel factors to produce an adjusted travel time," where "said factors are selected from the group consisting of a user walking speed, a fuel level of the user's automobile and a weather forecast." None of the art of record teaches adjusting travel time based on a user's walking speed, on a fuel level of the user's automobile, or on a weather forecast. At least for this reason, claim 23 is allowable over all combinations of the art of record.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as obvious under Ratschunas in view of Murray, and claim 28 stands rejected under 35 U.S.C. § 103(a) as obvious under Ratschunas in view of Pitt. However, both claims 26 and 28, as well as claims 25 and 27, depend on claim 23. Because claim 23 is patentable over all combinations of the art of record (as established above), all claims dependent on claim 23 also are allowable over all combinations of the art of record for at least the same reasons as is claim 23.

IV. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. Applicants hereby petition for any time extensions that are necessary to prevent this case from being abandoned. In the event that additional fees related to this Amendment, or other transactions in this case, are required (including fees for net addition of claims and for time extension), the Examiner is authorized to charge Texas Instruments Inc.'s Deposit Account No. 20-0668 for such fees.

Respectfully submitted,



Nick P. Patel
PTO Reg. No. 57,365
Conley Rose, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
AGENT FOR APPLICANTS